

**DELEGATION OF AUTHORITY
CLEAN WATER ACT (CWA)**

Removal of Discharge or Threat of Discharge under
Section 311(c) of the Clean Water Act

1. **AUTHORITY.** Pursuant to section 311(c) of the Clean Water Act, as amended by the Oil Pollution Act of 1990 (OPA):
 - a. To remove or arrange for the removal of a discharge and to mitigate or prevent a substantial threat of a discharge;
 - b. To direct or monitor all Federal, State, and private actions, including the issuance of orders;
 - c. To remove and, if necessary, destroy a vessel that is discharging or threatening to discharge;
 - d. To consult with affected trustees; and
 - e. To determine when the removal is complete.
2. **TO WHOM REDELEGATED.** Through the Director, Superfund and Emergency Management Division, or equivalent, through the Branch Chief, Emergency Management Branch, or equivalent, through the Section Chiefs, Emergency Response Section and Spill Prevention and Removal Section, or equivalents, to the On-Scene Coordinators.
3. **LIMITATIONS.**
 - a. Section 1011 of the OPA limits the authority in 1.e. for cases that involve the discharge of oil.
 - b. The authority in sections 1.a. - 1.d. is to be exercised in accordance with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and appropriate Area Contingency Plans, in order to ensure immediate and effective response.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the on-scene coordinators, or equivalent.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSION.** This delegation supersedes R10 2-89 (05/31/2012), R10 2-89(1) (06/01/2012), and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
 - a. Executive Order 12777, as amended.
 - b. NCP (40 CFR part 300).
 - c. EPA Delegation 2-85.
 - d. EPA Delegation 2-89.

June 27, 2009
Date


Chris Hladick
Regional Administrator